

STEIN & VARGAS LLP

Overcoming Barriers | Ensuring Communication | Creating Access

April 20, 2023

VIA ECF

Catherine O'Hagan Wolfe, Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Sampson v. National Board of Medical Examiners*
Case Number 23-3

Dear Madam Clerk:

As ordered by the United States District Court for the Eastern District of New York, the undersigned hereby files the attached Order entered by Judge Azrack today.

Sincerely,



Mary C. Vargas
Stein & Vargas, LLP

Cc: All parties via CM/ECF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ROBERT SAMPSON,

Plaintiff,

ORDER

22-CV-04490 (JMA) (AYS)

-against-

STONY BROOK UNIVERSITY and
MAURIE MCINNIS, in her official capacity
as President of Stony Brook University,

Defendants.

-----X

ROBERT SAMPSON,

Plaintiff,

ORDER

22-CV-05120 (JMA) (AYS)

-against-

NATIONAL BOARD OF MEDICAL EXAMINERS,

Defendant.

-----X

AZRACK, United States District Judge:

It has come to the Court's attention that during oral argument held before the Second Circuit in Sampson v. National Board of Medical Examiners, No. 23-3, on April 18, 2023, the Second Circuit panel inquired about Sampson's academic status at Stony Brook, specifically, whether Sampson is subject to dismissal by Stony Brook for failing to complete his medical degree within seven years.

For the avoidance of doubt, the Court is issuing this Order to clarify the procedural posture and status of Sampson v. Stony Brook University, et al., Case No. 22-CV-04490, as the procedural posture and status of that case may not be clear from the minute entries and filings on the docket.

On July 29, 2022, Sampson filed a motion for a preliminary injunction in Case No. 22-CV-04490 that sought to enjoin Stony Brook from terminating his enrollment as a medical student. (ECF No. 3.) As the record reflects in Case No. 22-CV-04490, the seven-year deadline for Sampson to complete his medical degree passed on August 12, 2022. (See R. Sampson Decl. ¶ 79, ECF No. 3-2.) However, Stony Brook consented to maintaining Sampson’s enrollment pending the Court’s resolution of his preliminary injunction motion. (See Minute Entry dated Aug. 4, 2022, ECF No. 7.)

After Sampson filed a motion seeking a preliminary injunction against the National Board of Medical Examiners (“NBME”), Sampson v. National Board of Medical Examiners, Case No. 22-CV-05120, Stony Brook consented to maintaining Sampson’s enrollment as a medical student pending the Court’s resolution of Sampson’s preliminary injunction motion against the NBME. (See Minute Entry dated Oct. 6, 2022, ECF No. 18; see also ECF No. 17.) The NBME, by contrast, did not consent to interim relief pending the resolution of Sampson’s preliminary injunction motion in his case against Stony Brook, Case No. 22-CV-04490.

After the Court granted Plaintiff’s preliminary injunction motion against the NBME in Case No. 22-CV-05120, Stony Brook further consented to maintaining Sampson’s enrollment pending the resolution of NBME’s appeal of the Court’s decision. (See Minute Entry dated Dec. 9, 2022, ECF No. 20.) During a Status Conference held before this Court on December 9, 2022—after the Court granted Sampson’s preliminary injunction motion against the NBME—Sampson and Stony Brook represented to the Court that they had reached a provisional agreement that would

allow Sampson until August 2024 to complete his medical degree. (Id.) On January 31, 2023, Stony Brook informed the Court that although the parties had not yet finalized an agreement, Stony Brook would maintain Sampson's enrollment in medical school at least through the Second Circuit's resolution of NBME's appeal. (See Status Report dated Jan. 31, 2023, ECF No. 21.) On February 1, 2023, the Court terminated Sampson's preliminary injunction motion given Stony Brook's decision not to dismiss him pending resolution of the NBME's present appeal. (See Electronic Order dated Feb. 1, 2023.) Thus, the Court never ordered any interim relief in Case No. 22-CV-04490 because Stony Brook repeatedly consented to maintaining Sampson's enrollment as set forth above.

Counsel for Sampson is directed to transmit a copy of this Order to the Second Circuit immediately for the panel's consideration in the appeal of Case No. 22-CV-05120, and to immediately file proof of service on ECF.

SO ORDERED.

Dated: April 20, 2023
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE